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IN THE

Supreme Court of the United States

OCTOBER TERM, 1977

No. 77-961

NEW YORK TELEPHONE COMPANY, *et al.*,
Petitioners,

v.

NEW YORK STATE DEPARTMENT OF LABOR, *et al.*,
Respondents.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

MOTION FOR LEAVE TO FILE BRIEF AMICI CURIAE AND BRIEF AMICI CURIAE ON BEHALF OF STEPHEN R. HAVAS AND SUE HAVAS, URGING REVERSAL

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12 June, 1978

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Stephen R. Havas and Sue Havas hereby respectfully move for leave to file the attached brief *amici curiae* in the instant case as provided for in Rule 42 of the Rules of this Court. Counsel for the petitioner, New York Telephone Company, and for the respondent, the New York State Department of Labor, have refused to consent to the filing of this brief, though requested to do so.

INTERESTS OF THE AMICI CURIAE

Stephen R. Havas and Sue Havas are plaintiffs, with other New York Telephone Company (TELCO) employees, in a suit brought against TELCO, the Communications Workers of America (CWA), and other defendants. That case was filed on May 30, 1975 in United States District Court for the Northern District of New York,

sitting at Syracuse (Case No. 75-CV-268). The Havas' case is currently pending in discovery stages.

That case concerns the proper limits of the "agency shop" provisions of successive collective bargaining agreements their employer has had with CWA. The first of these resulted from the 1971-1972 illegal strike involved in the instant case. They are, therefore, vitally concerned that this Court not sanction New York's subsidization of CWA's illegal strike to obtain the first such agreement.

ISSUES TO BE COVERED

At issue here is whether states, by applying their unemployment compensation laws to provide payments to strikers, can subsidize illegal and sometimes violent strikes in interstate commerce.

CONCLUSION

Because the attached brief sets forth the interests of employees who are not represented by existing parties, and as it views the issues from a perspective different from that of the petitioners, with whom the *amici* would otherwise be aligned in seeking to have the judgment of the Court of Appeals reversed, this Motion should be granted.

Respectfully submitted,

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12 June, 1978

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INTERESTS OF THE AMICI CURIAE

The interests of the *amici curiae* are described in the motion for leave to file which is submitted herewith.

INTRODUCTION TO AND SUMMARY OF ARGUMENT

The Communications Workers of America (CWA), a labor organization in interstate commerce, struck the New York Telephone Company (TELCO), an employer in

interstate commerce, in July of 1971. That strike, sometimes violent and later determined to have been illegal under federal law, extended until mid-February of 1972. Over its course, following a statutory waiting period, the State of New York made payments to the striking employees under its Unemployment Insurance Law. The decision below sanctioned such payments made under those circumstances. The *amici* will show that federal regulation of the relationships of the employer, labor organization, and employees herein is pervasive, and that New York's payment of unemployment compensation benefits to strikers in interstate commerce violates Article VI, Clause 2, of the United States Constitution. That conclusion requires that this Court uphold the Constitution by reversing the decision of the Court of Appeals below.

ARGUMENT

The Employer, Labor Organization, Employee Relationships Are In Interstate Commerce and Regulated By The National Labor Relations Act, and Not State Law

Federal labor law, with its provisions for "exclusive representation,"[1] representation elections,[2] "union security,"[3] mediation services,[4] and strike notice requirements[5] pervades every aspect of the relationships among

[1] § 9(a) of the National Labor Relations Act (NLRA), 29 U.S.C. § 159(a).

[2] § 9(c) NLRA, 29 U.S.C. § 159(c).

[3] § 8(a)(3) NLRA, *as amended by* Labor Management Relations Act (LMRA), 29 U.S.C. § 158(a)(3).

[4] § 201 *et seq.* LMRA, 29 U.S.C. § 171 *et seq.*

[5] § 8(d) NLRA, 29 U.S.C. § 158(d).

CWA, TELCO, and TELCO's employees. From the beginning through the present, that law has been utilized and applied to those relationships by the parties themselves and by agencies of the federal government.[6] This body of law is found in the NLRA and not in any provision of the laws of New York State. The NLRA was enacted by Congress pursuant to the Commerce Clause,[7] and it rules here over any provisions of state law, by virtue of the supremacy of federal statutes set forth in Article VI, Clause 2, of the United States Constitution. To now permit the unemployment compensation feature of New York law to invade Congress' regulation of interstate commerce is, simply put, unconstitutional.

The pervasive extent of federal regulation of the employer, union, and employees involved here is demonstrated conclusively by the following indisputable facts.

The New York Telephone Company (TELCO) is a subsidiary of the American Telephone and Telegraph Company (AT&T), providing telephone service within the Bell System.[8] Two years are of concern here; in 1971 TELCO had operating revenues of $2,243,300,000, and in 1972, $2,620,089,000.[9] For labor relations purposes it is

[6] *See*, for example, Communications Workers of America (New York Telephone Company), 186 NLRB (No. 91) 625 (1970); Communications Workers of America (New York Telephone Company), 208 NLRB (No. 31) 258 (1974); Local 1104, Communications Workers of America v. NLRB, 520 F.2d 411 (1975), *enforcing* 211 NLRB (No. 18) 114 (1974); and Communications Workers of America v. New York Telephone Company, 327 F.2d 94 (1964).

[7] *See* § 1 NLRA, *Findings and Declaration of Policy*, 29 U.S.C. § 151.

[8] Standard & Poor's Register of Corporations, Directors and Executives, Volume 1, p. 1636 (1978).

[9] Respectively, *see* the Annual Reports of the New York Telephone Company for 1971 and 1972.

an "employer" in interstate commerce within the NLRA.[10]

In those years, TELCO had, among its employees, more than thirty-eight thousand in a bargaining unit of the "plant" and "engineering" departments. That unit was (and is) represented, for the purposes of collective bargaining with respect to "rates of pay, wages, hours, and other terms and conditions of employment," by the Communications Workers of America (CWA),[11] a labor organization in interstate commerce as defined in the NLRA.[12]

On several occasions since 1968 CWA's status as "exclusive representative" of unit employees has been challenged. Each time the NLRB has conducted elections pursuant to the NLRA's provisions to determine the wishes of a majority of unit employees with regard to representation. The Board's records reflect the results of those elections.[13]

The TELCO/CWA collective bargaining history precedes 1971. A succession of agreements includes the two relevant here, namely one pre-strike with a term from July 29, 1968-July 28, 1971 (Former Agreement) and one post-strike, entered February 16, 1972, but effective from July 18, 1971 through July 18, 1974 (Later Agreement). And there have been subsequent agreements as well.

The principal non-wage difference in the provisions of the pre-strike and post-strike agreements lies in the fact that the Former Agreement provides merely for "maintenance of

[10]§ 2(2) NLRA, 29 U.S.C. § 152(2); § 2(6) NLRA, 29 U.S.C. § 152(6).

[11]The Recognition section of each agreement so provides.

[12]§ 2(5) NLRA, 29 U.S.C. § 152(5).

[13]*See* proceedings in NLRB cases 2-RC-13142, 2-RC-14519, and 2-RC-15299.

membership," in which CWA membership was an employee option, whereas the Later Agreement requires that all bargaining unit employees, union members or not, pay dues, or a dues equivalent amount, to CWA as a condition of their employment with TELCO. These provisions exist under color of § 8(a)(3) of the NLRA.[14]

The Former Agreement was but one of a number of substantially similar "pattern agreements" CWA had with other AT&T subsidiary Bell System employers throughout the United States. All of these had the same expiration date, and all of them were subject to a nationwide strike CWA undertook against the several employers on July 14, 1971. That strike was settled, in all states but New York, on August 14, 1971. The resulting pattern agreements (Nationwide Agreements) retained the "maintenance of membership" provision of the Former Agreement but did not impose the "agency shop."

CWA continued the strike against TELCO until February 16, 1972. It changed only negligibly the employee compensation schedules found in the Nationwide Agreements; a CWA Vice President has termed the increase "kind of small."[15] The dominant difference between the two Agreements was the fact that the Later Agreement imposes the first agency shop CWA obtained from any Bell System employer.[16]

The February settlement was the result of a proposal by

[14]28 U.S.C. § 158(a)(3).

[15]Deposition of Morton Bahr, p. 41, dated February 23, 1978, on file in United States District Court for the Northern District of New York, sitting at Syracuse, Havas, *et al.* v. Communications Workers of America, *et al.* (Case No. 75-CV-268).

[16]*Id.*

J. Curtis Counts, then acting in his capacity as Director of the Federal Mediation and Conciliation Service, pursuant to the provisions of the Taft-Hartley amendments to the NLRA.[17]

The strike which led to the New Agreement was illegal under federal law. It had been held to be so by the National Labor Relations Board.[18] That determination by the Board has been recognized by the United States Court of Appeals for the Second Circuit in another case[19] and by the Trial Court herein.[20]

In addition to being illegal under the NLRA, the strike was also sometimes violent. Incidents of striker harassment of non-striking employees are documented. New York's criminal court records show dispositions in cases where striker violence against TELCO was charged. And newspaper articles and photographs demonstrate that such violent strike activity became generalized community knowledge.[21]

Article VI, Clause 2, of The Constitution of The United States, As Followed in *Gibbons v. Ogden*, 22 U.S. (9 Wheat.) 1 (1824), Requires That The Decision Below, Permitting New York To Apply Its Unemployment Insurance Law To Subsidize a Strike in Interstate Commerce, Illegal Under Federal Law, and Sometimes Violent, Be Reversed

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[17]*Id.* at 44.

[18]Local 1101, Communications Workers of America (New York Telephone Company), 208 NLRB (No. 32) 267 (1974).

[19]Local 1104, Communications Workers of America, 520 F.2d 411, 413 n.2 (1975).

[20]New York Telephone Co. v. New York Dept. of Labor, 434 F. Supp. 810, 813 (1977).

[21]See materials included in the Appendix hereto.

These features of federal law have been applied, then, throughout the TELCO/CWA bargaining history. They are not new, nor are they limited in scope. In fact they have resulted in a federal agency indictment of the very strike in question as illegal. With this highly structured and applicable legislative scheme, it cannot be said that federal law does not dominate the labor-management relations of these parties in interstate commerce. The existence of these federal law provisions eliminates the claim, made and dismissed in *Gibbons v. Ogden*,[22] that Congressional inaction left these matters to the jurisdiction of the states.[23] For it has been consistently held that "in passing the National Labor Relations Act, Congress intended to and did vest in the [National Labor Relations] Board the fullest *jurisdictional* breadth constitutionally permissible under the Commerce Clause."[24] Moreover, Congress' powers over interstate commerce are plenary. These factors show that New York's Unemployment Insurance Law cannot be used to subsidize a violent strike which has been declared illegal under federal law. The conflict between federal law and state subsidy could not be more stark. State law here must fall because the constitutional provision applied in *Gibbons v. Ogden*,[25] as it must absent amendment, remains the law of the land.

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[22]22 U.S. (9 Wheat.) 1 (1824).

[23]The question was dismissed there, and should be here, because Congress has exercised its plenary power over interstate commerce, ". . . and the regulations Congress deemed it proper to make, are now in full operation." *Id.* at 200.

[24]NLRB v. Reliance Fuel Oil Corp., 371 U.S. 224, 226 (1963).

[25]It has been clear that "In every such case [where a state law interferes with or is contrary to acts of Congress], the act of Congress . . . is supreme; and the law of the state, though enacted in the exercise of powers not controverted, must yield to it." 22 U.S. (9 Wheat.) 1, 211 (1824).

CONCLUSION

Article VI, Clause 2, of the Constitution of the United States requires that the decision below, permitting New York to apply its Unemployment Insurance Law to subsidize a strike in interstate commerce, illegal under federal law, and sometimes violent, be reversed.

Respectfully submitted,

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Reprint of New York Times Article, Sept. 14, 1971, p. 22, col. 3.

Phone-Strike Talks Here Are Halted by Accusations

Contract negotiations to end the two-month-old statewide telephone strike broke down after only a few minutes yesterday when the New York Telephone Company

accused strikers, for the third time in two weeks, of cable-cutting, other vandalism and of threatening working personnel.

Company representatives said they were prepared to resume talks today if the incidents were halted. Morton Bahr, area vice president of the Communications Workers of America, said there was "not one shred of evidence" that union members had engaged in such activities and said it was up to the company to reconvene the session.

The most serious of the weekend incidents listed by the company was the cutting of 10 cables at street-pole locations in Queens, affecting the service of 1,700 customers, mainly in Hollis.

The company also cited paint-smearing, egg- and tomato-throwing at work locations and phone calls threatening company officials.

Reprint of Sunday News Article & Photographs, Nov. 28, 1971, p. C3.

Phonemen Decide to Stay on the (Picket) Line

By Michael Patterson

About 5,000 New York Telephone Co. craftsmen from Manhattan, Bronx and Brooklyn voted that their local continue their 19-week strike in a stormy and violence-marred meeting in the Felt Forum at Madison Square Garden yesterday.

The phonemen signified their decision to remain on strike by standing up after listening to Ricky Carnivale, president of Local 1101 of the Communications Workers of

NEWS photo by Leonard Detrick

Philip Carr is ejected from Felt Forum meeting after attempt to speak against the union. Police said he filed a complaint.

America, pledge to win "a great contract" at the bargaining table.

The boos and cheers were evenly mixed during the 90-minute rally, but many strikers afterward said they were confused by the voting procedure and were unaware that the vote was taking place.

He's Dragged From Hall

One phoneman, identified by police as Philip Carr, 42, of 40 W. 22d St., Deer Park, L.I., was dragged from the meeting hall by several men who, he said, knocked him to the ground, punched and kicked him.

*Carr told police of the W. 35th St. station that he was seized by union marshals when he attempted to speak against the union. He required no medical attention, police said, but did file a complaint.**

In addition to castigating the phone company, the union men directed their anger at the CWA international union and its president, Joseph Beirne.

Many of the strikers demanded to know why the international had "sold out" and was not stopping the phone company from bringing in out-of-state foremen to handle equipment installations and repairs. When CWA representative Rolf Buckner attempted to explain, he was drowned out by booing.

"We will win a great contract," said Carnivale to cheers mixed with boos, "that will demonstrate that Local 1101 will lead the way—we will not be beaten."

Rejected Pact in August

Carnivale accused the telephone company bargaining team of "not having the guts" to accept a union invitation to address the rally.

A spokesman for the phone company said the invitation

*Emphasis added.

NEWS photo by Leonard Detrick

Ricky Carnivale, president of local 1101 CWA, talks with newsmen after pledge to win "a great contract."

was refused because "Local 1101 is only one local and we bargain with all locals not just them."

Local 1101 and 22 CWA locals throughout the state voted Aug. 14 to reject a contract ratified by phonemen nationwide. The package called for a 33% pay hike over three years.

With over 15,000 members, Local 1101 is the largest in the state and therefore considered pivotal in regard to the negotiations. More than 30,000 phonemen are on strike throughout the state.

The negotiations aimed at settling the dispute have been greatly complicated by the initiation of President Nixon's economic controls and the 5.5% ceiling placed on wage

NEWS photo by Leonard Detrick

Striking telephone workers during Felt Forum meeting yesterday.

increases by the Pay Board.

Throughout the state, back-logged phone installations number about 210,000. Repair work has been maintained on an emergency basis by 12,000 management personnel.

"I came here with the notion that we were going to vote by secret ballot," said one 21-year-old telephone man after the meeting, "but this was nothing more than a farce—Ricky Carnivale conned us for 45 minutes, that's all that happened."

Reprint of New York Times Article, Jan. 13, 1972, p. 45.

6 Hurt and 8 Arrested as Phone Strikers Rampage in Midtown

By Rudy Johnson

At least six persons were reported injured and eight others were arrested yesterday when more than a thousand telephone workers, on strike for half a year, marched a winding course through midtown streets, overturning and smashing telephone company equipment along the way.

The injuries and arrests occurred in a series of scuffles with the police following a noontime rally in front of Governor Rockefeller's office here.

After leaving the Governor's office at 22 West 55th Street and swinging up Fifth Avenue for a block, the crowd—marching seven abreast and snarling traffic at intersections—moved east on 56th Street toward Second Avenue, where the first incidents occurred near a telephone company office.

There, several policemen, apparently angered when an egg was sent flying toward them and splattered at their feet, sailed into a knot of demonstrators. Daniel Keenan and Ricky Carnivale, president of Locals 1103 and 1101 of the Communications Workers of America, charged that one demonstrator had been knocked to the ground by a policeman's nightstick.

Equipment Damaged

Three union members were arrested and placed in a nearby police van. Outraged by the arrests, many demonstrators surged down Second Avenue, damaging telephone company cables, tool trailers and other equipment at work sites.

As the men continued down Second Avenue, following a course that took them past two other phone company offices, they left a trail of three tool trailers overturned and windows smashed on at least two trucks and on several telephone booths. Also, a small white company car was overturned and a "scab" sticker was pasted on it.

Swinging north on Third Avenue, the union members—chanting "Ma Bell go to hell," and shouting obscenities that startled many onlookers—turned west on 42d Street, north again on Madison Avenue, and west again on 49th Street.

Units of the Police Department's special events squad followed. Motorcycle and foot patrolmen tried to keep the marchers on the sidewalks, but traffic was often blocked as the demonstrators spilled onto the streets along the route.

At one point, along Madison Avenue, three loaded police vans raced through the streets, sirens screaming, trying to get to key telephone company installations before the marchers did.

At the headquarters of Local 1101 in the Consulate Hotel, 224 West 49th Street, Mr. Carnivale climbed up on an overturned trash basket and told his followers:

"I've said it before and I'll say it again—you see what togetherness does. We're going to keep this up until we gain the respect of the stupid telephone company."

Mr. Keenan, who is also state chairman of the Communications Workers of America, said the group was marching to "demonstrate our disgust with the New York company's bargaining committee, our disgust with the Governor of New York " He asserted that Governor Rockefeller could intervene and "order" the telephone company to settle the strike.

Strike in 27th Week

The strike is now in its 27th week. The negotiations were in recess after weekend talks with J. Curtis Counts, director of the Federal Mediation-Conciliation Service. Other negotiators were said to be waiting in the Drake Hotel yesterday for resumption of the talks.

The strike against the New York Telephone Company started on July 14 as part of a nationwide walkout by more than 500,000 members of the companies. In most places the strike ended with a tentative agreement July 18 on the three-year contracts providing for wage increases of 32 per cent.

The 35,500 union members with New York Telephone, where top craftsmen were earning $193 weekly, held out for greater pay increases on the ground that they faced higher living costs.

Reprint of New York Times Article, Jan. 15, 1972, p. 37.

Telephone Strikers Demonstrate Against Management Workers

By Damon Stetson

Striking telephone workers demonstrated again yesterday, protesting both what they called the company's failure to settle the six-month old dispute and the use of management personnel from other states to perform strikers' work.

Before dawn, more than 150 strikers set up picket lines in front of the Statler Hilton Hotel, at Seventh Avenue and 33d Street, where several hundred supervisors and plant foremen from other areas are living while performing

installation and maintenance work for the New York Telephone Company.

The pickets described the out-of-state employes as "scabs" who they contended were working here in violation of a city law forbidding the importation of strikebreakers. The company has argued, however, that it is utilizing normal sources of labor from other Bell System affiliates and that the law is unconstitutional.

"Stop pollution—send home out-of-town scabs," one of the picket signs said.

Marched Through Midtown

Shortly before 9 A.M. the pickets, their number increased to more than 400 by additional strikers, began a meandering march through mid-Manhattan with an escort of nearly 100 policemen, including four on horseback.

The strikers moved up Broadway, chanting, "Ma Bell, go to hell" and "Before we attack, send the scabs back." They zigzagged through the garment district to Ninth Avenue and then marched north to 42d Street. Heading eastward, they stopped at Eighth Avenue and sat down in the street, blocking traffic briefly, and they did the same at Seventh Avenue.

Two men were taken into custody by the police at the Avenue of the Americas and 42d Street, where a new telephone building is under construction. The police moved into the crowd of marchers as some banged their fists on a wooden fence surrounding the work site.

Illegal Bullhorn Use

Assistant Chief Inspector Raymond McDermott said one of the men seized would be charged with using a bullhorn without a permit. The other, he said, was trying to knock down the wall and would be charged with disorderly

conduct.

The marchers moved on to 330 Madison Avenue, between 43d and 42d Streets, where they concluded their demonstration by picketing an employment office of the telephone company.

Dennis Serrette, one of the leaders of the strikers, said that more demonstrations were being planned for next week.

Yesterday's march was completed without violence or property destruction. Last Wednesday, in another demonstration, pickets scuffled with the police, smashed windows and damaged telephone-company equipment along their line of march.

Neither union nor company sources reported any progress in negotiations. About 35,000 telephone craftsmen in locals throughout the state have been on strike since July 14—six months as of yesterday. They are seeking contract improvements beyond those that provided the basis for settlements in other Bell System companies.

Reprint of New York Times Article, Jan. 16, 1972, Sec. 4, p. 3, col. 4.

Trouble on the Line

"Ma Bell, Go to Hell," chanted more than a thousand angry telephone workers as they went on a rampage through midtown Manhattan last Wednesday. After leaving a noontime rally outside Governor Rockefeller's 55th Street office, they snarled traffic, engaged in scuffles with police—

during which six persons were injured and eight arrested—and overturned and smashed telephone company equipment.

The men originally went on strike last July along with other Bell System craft workers throughout the country. Those outside New York quickly returned to work with a 32 per cent wage increase spread over three years, but the 35,500 telephone men in New York rejected that settlement and have been holding out for higher wages ever since because they say they face higher living costs. The rally and march last week were intended, said Daniel Keenan, state chairman of the Communications Workers of America, to demonstrate our disgust with the New York company's bargaining committee and our disgust with the Governor of New York." Mr. Rockefeller, he said, could "order" a settlement.

Reprint of Daily News Front Page Banner Headline & Photograph, Jan. 13, 1972, p. 1.

Phone Strikers go on Rampage

NEWS photo by Paul DeMaria

Fixing Ma Bell's Wagon? Phone company wagon at 40th St. is overturned by angry strikers during march up Third Ave. yesterday. On strike since July, some 3,500 phone workers rallied outside Gov. Rockefeller's office here at noon, then spilled out into violent demonstrations around midtown.

Reprint of Daily News Article & Photographs, Jan. 13, 1972, pp. 3, 8.

Phone Strikers Dial 'R' for Rampage

By Fred Loetterle and Henry Lee

About 3,500 striking telephone workers protested outside Gov. Rockefeller's midtown office yesterday noon and then, in an apparently spontaneous march that caught the police by surprise, rampaged for 2½ hours through midtown.

Chanting "Ma Bell, Go to Hell!," tossing firecrackers and waving defiant signs, they swept from 55th St. and Fifth Ave., east to Second, south to 37th St. and then doubled back uptown, finally dispersing at their own headquarters on W. 49 St., between Broadway and Eighth Ave.

As they marched and shouted, they overturned one phone company truck, damaged three other trucks, overturned three construction trailers at repair sites, damaged coin machines, shattered glass at phone headquarters on E. 37th St. and snarled auto and pedestrian traffic through the East Side.

One police sergeant, struck by a missile at 47th St. and Second Ave., was taken to Bellevue Hospital. Union sources reported that three marchers, including one man who suffered a broken leg, required hospital treatment. Three members of the press, two of them photographers from THE NEWS, were manhandled by the marchers.

10 Protesters Arrested

Ten protesters were arrested on charges ranging from rioting in the second degree to disorderly conduct.

Various downstate locals of the Communications Workers of America had planned to mark the six months of strike action by a rally outside Gov. Rockefeller's office at 22 W. 55th St. The union claimed a turnout of 5,000.

After half an hour of speech making, most of the union members suddenly swung up one block to 56th St., then moved east toward Second Ave., clashing with police outside a phone exchange at 228 E. 56th, between Second and Third Aves.

There had been only 30 to 40 cops on duty outside the governor's office. Deputy Inspector John Keenan, in charge of the police operation, called for reinforcements. A dozen mounted cops showed up, along with at least 20 scooter policemen, 100 men from the Special Events Squad, plus 50 regulars.

After the skirmish outside the phone facility, the marchers continued east to Second, then swept south to 37th. They wheeled west past the phone headquarters, shattering the glass on the main entrance in two places.

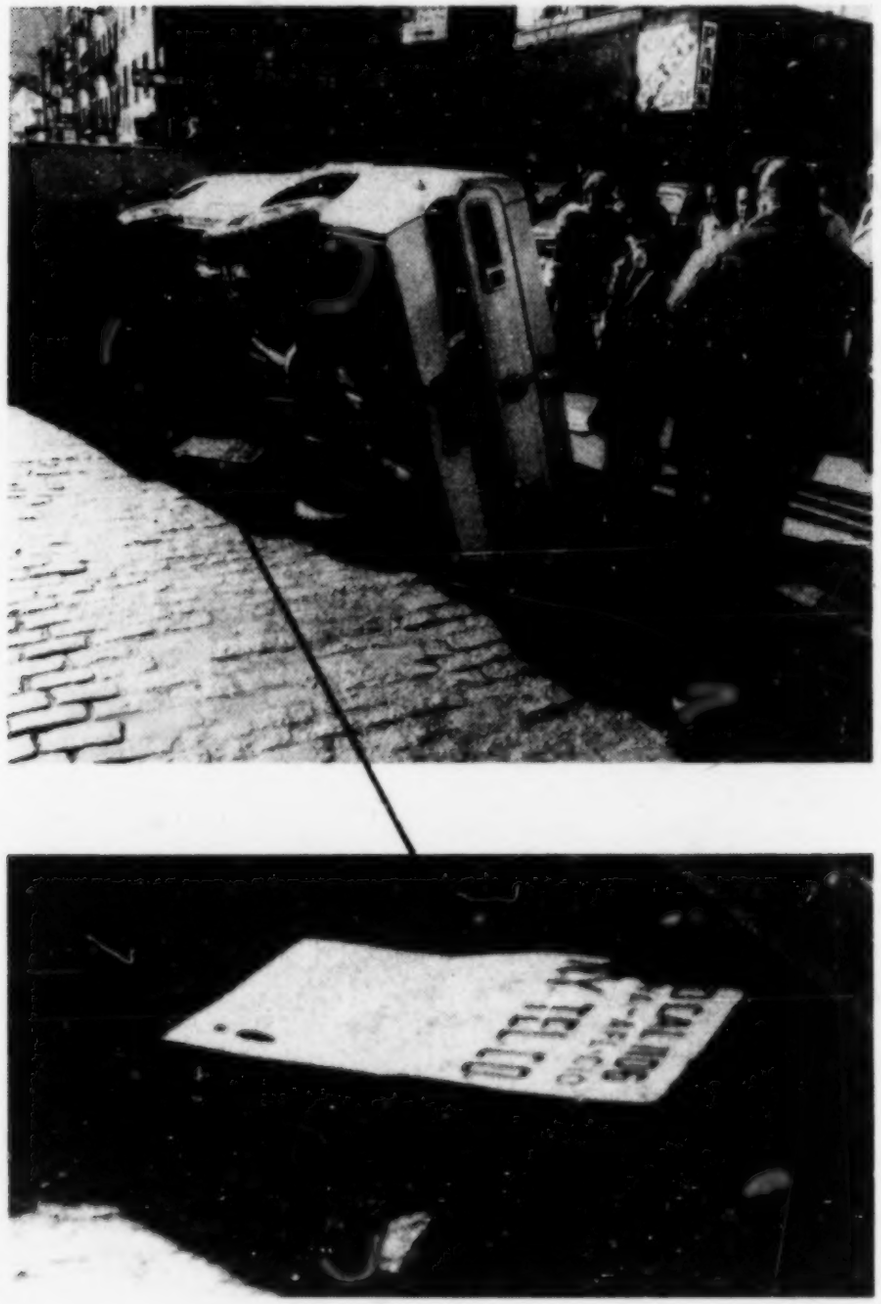
Despite police efforts to hold them to the sidewalk, they surged into the streets, doubled back north on Third Ave. and at 40th St., and knocked over a phone repair installation.

At 42d St., they headed west, still spilling into the road, but were briefly halted by the police about 100 feet east of Park Ave. With their leaders chivvying them, as well as the police, they took to the sidewalk, but soon were back into the street.

They turned north at Madison and shouting unprintable reflections on Ma Bell's sex life, proceeded to 49th St., where they turned west, continuing all the way to the Local 1101 headquarters at 224 W. 49th.

Phone company car is overturned at 54th St. and Second Ave.

NEWS photo by Paul DeMaria & George Mattson



NEWS photo by Paul DeMaria & George Mattson

Mounted cop eyes demonstrators.

Atop an overturned trash can, Ricky Carnivale, Local 1101 president, harangued them. In six months, he cried, the strikers had gained "the admiration of the entire labor movement," not to mention the "respect of the stupid

telephone company" and "the respect of the godamned public."

"We're going to keep this up!" he warned.

"Let's do it today!" the marchers cried. "Let's do it tomorrow! Let's do it next week!"

Danny Keegan, president of Local 1103, thanked the police—for which he was soundly booed by his fellow unionists. On safer ground, he shouted:

"There is nobody more militant than the New York Telephone Co. employees, and Ma Bell made us that way. Every scab, management included—they can all go to hell."

From the upper stories of the building, union employes leaned out windows, blowing New Year's horns and flashing obscene signs.

According to union strike coordinator Dennis Serrette, who made the march with his men, the protest was spontaneous. "This is what happens after six months of strike," added another union aide, Tom Schaefer.

The strike began last July 14 and in most areas ended July 18. But 23 New York State CWA locals narrowly voted rejection of a 33%, three-year contract which was adopted by other locals throughout the country. The thumbs-down vote was made against the recommendation of international officers.

Of the 35,000 still on strike in this state, 20,000 in Manhattan, Brooklyn and Bronx belong to Local 1101.